

Appeal from decision of Eastern States Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer. ES-31452.

Affirmed.

1. Oil and Gas Leases: Applications: 640-acre Limitation
BLM may properly reject a noncompetitive oil and gas lease offer for less than 640 acres where the land is not within an approved unit or cooperative plan of operation or surrounded by lands unavailable for leasing.

APPEARANCES: Jessie Neal Vaughan, pro se.

OPINION BY ADMINISTRATIVE JUDGE FRAZIER

Jessie Neal Vaughan has appealed from a decision of the Eastern States Office, Bureau of Land Management (BLM), dated November 15, 1982, rejecting her noncompetitive oil and gas lease offer, ES-31452.

On May 28, 1982, appellant filed a noncompetitive oil and gas lease offer pursuant to section 17 of the Mineral Leasing Act, as amended, 30 U.S.C. § 226 (1976). The land sought was described as follows: "All of Section 55, Township 13 North, Range 3 East, of the Washington Meridian, Claiborne County, Mississippi, and containing 184.19 acres, more or less." In its November 1982 decision, BLM rejected appellant's lease offer because the offeror "applied for less than 640 acres and surrounding lands were available for leasing." In her statement of reasons for appeal, appellant contends that sec. 55 is an irregular section and that a "governmental section may be leased separately even though it does not contain 640 acres."

[1] It is well established that a noncompetitive oil and gas lease offer may not be made for less than 640 acres, subject to certain exceptions. Boesche v. Udall, 373 U.S. 472 (1963); Douglas R. Willson, 52 IBLA 246 (1981); Annie Dell Wheatley, 62 I.D. 292 (1955). The 640-acre rule is currently embodied in 43 CFR 3110.1-3(a), which provides:

No offer may be made for less than 640 acres except where the offer is accompanied by a showing that the lands are in an approved unit or cooperative plan of operation or such a plan has been approved as to form by the Director of the Geological Survey or where the land is surrounded by lands not available for leasing under the Act.

There is no evidence that appellant's offer satisfies either of the exceptions. The fact that a section may be irregular is immaterial to the application of the 640-acre rule. Accordingly, as appellant only filed for 184.19 acres, we must conclude that BLM properly rejected that oil and gas lease offer. James M. Chudnow, 65 IBLA 64 (1982).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Gail M. Frazier
Administrative Judge

We concur:

James L. Burski
Administrative Judge

R. W. Mullen
Administrative Judge

